



***RSA-2494-2024 (O&M) and  
RSA-2497-2024 (O&M)***

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**IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH**

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**RSA-2494-2024 (O&M)**

Date of Decision:03.07.2025

Ajit Singh

... Appellant

Versus

Ram Kishan (now deceased) through LRs

.... Respondent

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**RSA-2497-2024 (O&M)**

Ajit Singh

... Appellant

Versus

Ram Kishan (now deceased) through LRs

.... Respondent

**CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present:- Mr. Ram Kumar Saini, Advocate for the appellant.

**SUVIR SEHGAL J.**

1. This order shall dispose of both the above noted appeals as they involve common question of law and fact. For the sake of convenience, factual position is being taken from RSA No. 2494 of 2024.
2. Appellant-defendant is in second appeal before this Court assailing concurrent findings recorded by the two courts.
3. Respondent-plaintiff filed a suit for possession of three marla land falling within the revenue estate of village Kharak Gadian



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Tehsil Safidon, District Jind and for restraining the defendant from raising any construction over the suit land. His pleaded case is that Gram Panchayat transferred the suit land by way of gift deed No.489, dated 02.02.1983 under the 20 points programme implemented by the Government of Haryana for rehabilitation of landless persons. Acquisition of land by the Government was challenged by some of the relatives of the defendant by filing a civil suit No. 204 of 17.04.1983, but the suit was dismissed by the then Sub-Judge, Ist Class, Safidon, by judgment and decree dated 30.04.1986. The possession of the suit land was handed over to the plaintiff by the Gram Panchayat and he continues to be in its possession. It has been alleged that the defendant has forcibly dispossessed him impelling him to institute the present suit. Upon being served, defendant filed a written statement taking various preliminary objections and on merits, allotment of the suit land to the plaintiff has been questioned. It has been stated that despite a specific condition in the allotment letter, plaintiff never constructed a residential house over the suit land and that the defendant is in rightful possession of the land where he has constructed a house, which is about 40 years old. Trial Court framed issues on the basis of the pleadings of the parties, who led evidence in support of their respective case. After they were heard, by judgment dated 21.05.2018, trial Court decreed the suit. Defendant remained unsuccessful in the first appeal, which was dismissed by the Additional District Judge, Jind by judgment dated 09.05.2024, resulting



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in the institution of the instant appeal.

4. Mr. Ram Kumar Saini, counsel for the appellant has argued that the defendant is in possession of the suit land for more than four decades and has constructed a residential house, but the courts have failed to consider this fact. He urges that even if the suit land was acquired, defendant never received any compensation and the acquisition proceedings are not binding upon him. He submits that in the absence of the Gram Panchayat and the State Government, acquisition cannot be established by the plaintiff.

5. I have heard counsel for the appellant and considered his submissions.

6. In his evidence, plaintiff has produced copy of gift deed dated 02.02.1983 Ex.P-2, which establishes that the suit land has been allotted to him by the Government of Haryana pursuant to a policy implemented by it. Ex.P-1 and P-2 are the Jamabandis and the Khasra Girdawari, which show the possession of the plaintiff over the suit land. The acquisition of the land was challenged by some of the relatives of the defendant including his father, Amar Singh, by filing a civil suit, which has been dismissed by the trial Court vide judgment and decree dated 30.04.1986, Ex.P-4. Besides the documentary evidence, plaintiff has stepped into the witness box as PW-1 and has deposed that after the allotment of the land, he has been in continuous possession and that defendant had forcibly dispossessed him in the year 2016. The stand of



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the defendant that he is in possession for the years together stands belied on the basis of the revenue record produced by the plaintiff. Mere fact that the Gram Panchayat or Government is not a party to the civil suit, is immaterial. Defendant cannot escape from the findings recorded by the trial Court in the previous suit to which his predecessor was a party. After the property is acquired and an award is passed, defendant cannot claim ownership over the acquired property. Moreover, evidence shows that after acquisition, suit property has been allotted to the plaintiff. A cumulative reading of the evidence led by the parties leads to an irresistible conclusion that the plaintiff has been forcibly dispossessed by the defendant and the courts below have rightly passed the decree in his favour. There is no illegality or irregularity in the judgments and decrees passed by both the courts, which are affirmed.

7.           There is no merit in both the appeals, which are dismissed, though with no order as to costs.

8.           Pending applications are disposed of.

**03.07.2025**  
pooja saini

**(SUVIR SEHGAL)**  
**JUDGE**

|                           |        |
|---------------------------|--------|
| Whether Speaking/Reasoned | Yes/No |
| Whether Reportable        | Yes/No |